
By: **Delegate Montague**

Introduced and read first time: February 9, 2001

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Uniform Parentage Act**

3 FOR the purpose of adopting the Maryland Uniform Parentage Act; repealing
4 provisions of law concerning paternity proceedings; providing a certain
5 exception to provisions of law concerning notice of a petition for adoption or
6 guardianship; providing for the filing of an acknowledgment of paternity with
7 the Department of Health and Mental Hygiene; providing for the application
8 and construction of this Act; making provisions of this Act severable; and
9 generally relating to the Maryland Uniform Parentage Act.

10 BY repealing and reenacting, with amendments,
11 Article - Family Law
12 Section 5-322 (a)(1)(i)
13 Annotated Code of Maryland
14 (1999 Replacement Volume and 2000 Supplement)

15 BY repealing
16 Article - Family Law
17 Section 5-1001 through 5-1048, inclusive, and the subtitle "Subtitle 10.
18 Paternity Proceedings"
19 Annotated Code of Maryland
20 (1999 Replacement Volume and 2000 Supplement)

21 BY adding to
22 Article - Family Law
23 Section 5-1001 through 5-1088, inclusive, to be under the new subtitle "Subtitle
24 10. Maryland Uniform Parentage Act"
25 Annotated Code of Maryland
26 (1999 Replacement Volume and 2000 Supplement)

27 BY repealing and reenacting, with amendments,
28 Article - Health - General
29 Section 4-208(a)

1 Annotated Code of Maryland
2 (2000 Replacement Volume)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
4 MARYLAND, That Section(s) 5-1001 through 5-1048, inclusive, and the subtitle
5 "Subtitle 10. Paternity Proceedings" of Article - Family Law of the Annotated Code of
6 Maryland be repealed.

7 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
8 read as follows:

9 **Article - Family Law**

10 5-322.

11 (a) (1) (i) [Subject] EXCEPT AS PROVIDED IN SUBTITLE 10, PART IV OF
12 THIS TITLE AND SUBJECT to paragraph (2) of this subsection, a petitioner shall give to
13 each person whose consent is required notice of the filing of a petition for adoption or
14 a petition for guardianship.

15 SUBTITLE 10. MARYLAND UNIFORM PARENTAGE ACT.

16 PART I. GENERAL PROVISIONS.

17 5-1001.

18 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
19 INDICATED.

20 (B) "ACKNOWLEDGED FATHER" MEANS A MAN WHO HAS ESTABLISHED A
21 FATHER-CHILD RELATIONSHIP UNDER PART III OF THIS SUBTITLE.

22 (C) "ADJUDICATED FATHER" MEANS A MAN WHO HAS BEEN ADJUDICATED BY
23 A COURT OF COMPETENT JURISDICTION TO BE THE FATHER OF A CHILD.

24 (D) (1) "ALLEGED FATHER" MEANS A MAN WHO ALLEGES HIMSELF TO BE,
25 OR IS ALLEGED TO BE, THE GENETIC FATHER OR A POSSIBLE GENETIC FATHER OF A
26 CHILD, BUT WHOSE PATERNITY HAS NOT BEEN DETERMINED.

27 (2) "ALLEGED FATHER" DOES NOT INCLUDE:

28 (I) A PRESUMED FATHER;

29 (II) A MAN WHOSE PARENTAL RIGHTS HAVE BEEN TERMINATED OR
30 DECLARED NOT TO EXIST; OR

31 (III) A MALE DONOR.

32 (E) (1) "ASSISTED REPRODUCTION" MEANS A METHOD OF CAUSING
33 PREGNANCY OTHER THAN SEXUAL INTERCOURSE.

1 (2) "ASSISTED REPRODUCTION" INCLUDES:

2 (I) INTRAUTERINE INSEMINATION;

3 (II) DONATION OF EGGS;

4 (III) DONATION OF EMBRYOS;

5 (IV) IN-VITRO FERTILIZATION AND TRANSFER OF EMBRYOS; AND

6 (V) INTRACYTOPLASMIC SPERM INJECTION.

7 (F) "CHILD" MEANS AN INDIVIDUAL OF ANY AGE WHOSE PARENTAGE MAY BE
8 DETERMINED UNDER THIS SUBTITLE.

9 (G) "COMMENCE" MEANS TO FILE THE INITIAL PLEADING SEEKING AN
10 ADJUDICATION OF PARENTAGE IN AN EQUITY COURT OF THIS STATE.

11 (H) "DETERMINATION OF PARENTAGE" MEANS THE ESTABLISHMENT OF THE
12 PARENT-CHILD RELATIONSHIP BY THE SIGNING OF A VALID ACKNOWLEDGMENT OF
13 PATERNITY UNDER PART III OF THIS SUBTITLE OR ADJUDICATION BY THE COURT.

14 (I) (1) "DONOR" MEANS AN INDIVIDUAL WHO PRODUCES EGGS OR SPERM
15 USED FOR ASSISTED REPRODUCTION, WHETHER OR NOT FOR CONSIDERATION.

16 (2) "DONOR" DOES NOT INCLUDE:

17 (I) A HUSBAND WHO PROVIDES SPERM, OR A WIFE WHO PROVIDES
18 EGGS, TO BE USED FOR ASSISTED REPRODUCTION BY THE WIFE; OR

19 (II) A WOMAN WHO GIVES BIRTH TO A CHILD BY MEANS OF
20 ASSISTED REPRODUCTION, EXCEPT AS OTHERWISE PROVIDED IN PART VIII OF THIS
21 SUBTITLE.

22 (J) "ETHNIC OR RACIAL GROUP" MEANS, FOR PURPOSES OF GENETIC
23 TESTING, A RECOGNIZED GROUP THAT AN INDIVIDUAL IDENTIFIES AS ALL OR PART
24 OF THE INDIVIDUAL'S ANCESTRY OR THAT IS SO IDENTIFIED BY OTHER
25 INFORMATION.

26 (K) (1) "GENETIC TESTING" MEANS AN ANALYSIS OF GENETIC MARKERS TO
27 EXCLUDE OR IDENTIFY A MAN AS THE FATHER OR A WOMAN AS THE MOTHER OF A
28 CHILD.

29 (2) "GENETIC TESTING" INCLUDES AN ANALYSIS OF ONE OR A
30 COMBINATION OF THE FOLLOWING:

31 (I) DEOXYRIBONUCLEIC ACID; AND

32 (II) BLOOD-GROUP ANTIGENS, RED-CELL ANTIGENS,
33 HUMAN-LEUKOCYTE ANTIGENS, SERUM ENZYMES, SERUM PROTEINS, OR RED-CELL
34 ENZYMES.

1 (L) "GESTATIONAL MOTHER" MEANS A WOMAN WHO GIVES BIRTH TO A CHILD
2 UNDER A GESTATIONAL AGREEMENT.

3 (M) "INTENDED PARENTS" MEANS INDIVIDUALS WHO ENTER INTO AN
4 AGREEMENT PROVIDING THAT THEY WILL BE THE PARENTS OF A CHILD BORN TO A
5 GESTATIONAL MOTHER BY MEANS OF ASSISTED REPRODUCTION, WHETHER OR NOT
6 EITHER OF THEM HAS A GENETIC RELATIONSHIP WITH THE CHILD.

7 (N) "MAN" MEANS A MALE INDIVIDUAL OF ANY AGE.

8 (O) "PARENT" MEANS AN INDIVIDUAL WHO HAS ESTABLISHED A
9 PARENT-CHILD RELATIONSHIP UNDER § 5-1006 OF THIS SUBTITLE.

10 (P) (1) "PARENT-CHILD RELATIONSHIP" MEANS THE LEGAL RELATIONSHIP
11 BETWEEN A CHILD AND A PARENT OF THE CHILD.

12 (2) "PARENT-CHILD RELATIONSHIP" INCLUDES THE MOTHER-CHILD
13 RELATIONSHIP AND THE FATHER-CHILD RELATIONSHIP.

14 (Q) "PATERNITY INDEX" MEANS THE LIKELIHOOD OF PATERNITY
15 CALCULATED BY COMPUTING THE RATIO BETWEEN:

16 (1) THE LIKELIHOOD THAT THE TESTED MAN IS THE FATHER, BASED ON
17 THE GENETIC MARKERS OF THE TESTED MAN, MOTHER, AND CHILD, CONDITIONED
18 ON THE HYPOTHESIS THAT THE TESTED MAN IS THE FATHER OF THE CHILD; AND

19 (2) THE LIKELIHOOD THAT THE TESTED MAN IS NOT THE FATHER,
20 BASED ON THE GENETIC MARKERS OF THE TESTED MAN, MOTHER, AND CHILD,
21 CONDITIONED ON THE HYPOTHESIS THAT THE TESTED MAN IS NOT THE FATHER OF
22 THE CHILD AND THAT THE FATHER IS OF THE SAME ETHNIC OR RACIAL GROUP AS
23 THE TESTED MAN.

24 (R) "PRESUMED FATHER" MEANS A MAN WHO, BY OPERATION OF LAW UNDER
25 § 5-1009 OF THIS SUBTITLE, IS RECOGNIZED AS THE FATHER OF A CHILD UNTIL THAT
26 STATUS IS REBUTTED OR CONFIRMED IN A JUDICIAL PROCEEDING.

27 (S) "PROBABILITY OF PATERNITY" MEANS THE MEASURE, FOR THE ETHNIC OR
28 RACIAL GROUP TO WHICH THE ALLEGED FATHER BELONGS, OF THE PROBABILITY
29 THAT THE INDIVIDUAL IN QUESTION IS THE FATHER OF THE CHILD, COMPARED
30 WITH A RANDOM, UNRELATED MAN OF THE SAME ETHNIC OR RACIAL GROUP,
31 EXPRESSED AS A PERCENTAGE INCORPORATING THE PATERNITY INDEX AND A
32 PRIOR PROBABILITY.

33 (T) "RECORD" MEANS INFORMATION THAT IS INSCRIBED ON A TANGIBLE
34 MEDIUM OR THAT IS STORED IN AN ELECTRONIC OR OTHER MEDIUM AND IS
35 RETRIEVABLE IN PERCEIVABLE FORM.

36 (U) "SIGNATORY" MEANS AN INDIVIDUAL WHO AUTHENTICATES A RECORD
37 AND IS BOUND BY ITS TERMS.

1 (V) "SUPPORT ENFORCEMENT AGENCY" MEANS A PUBLIC OFFICIAL OR
2 AGENCY AUTHORIZED TO SEEK:

3 (1) ENFORCEMENT OF SUPPORT ORDERS OR LAWS RELATING TO THE
4 DUTY OF SUPPORT;

5 (2) ESTABLISHMENT OR MODIFICATION OF CHILD SUPPORT;

6 (3) DETERMINATION OF PARENTAGE; OR

7 (4) LOCATION OF CHILD SUPPORT OBLIGORS AND THEIR INCOME AND
8 ASSETS.

9 5-1002.

10 (A) THIS SUBTITLE GOVERNS EVERY DETERMINATION OF PARENTAGE IN
11 THIS STATE.

12 (B) (1) THE COURT SHALL APPLY THE LAW OF THIS STATE TO ADJUDICATE
13 THE PARENT-CHILD RELATIONSHIP.

14 (2) THE APPLICABLE LAW DOES NOT DEPEND ON:

15 (I) THE PLACE OF BIRTH OF THE CHILD; OR

16 (II) THE PAST OR PRESENT RESIDENCE OF THE CHILD.

17 (C) THIS SUBTITLE DOES NOT CREATE, ENLARGE, OR DIMINISH PARENTAL
18 RIGHTS OR DUTIES UNDER OTHER LAW OF THIS STATE.

19 (D) (1) THIS SUBTITLE DOES NOT AUTHORIZE OR PROHIBIT AN AGREEMENT
20 BETWEEN A WOMAN AND INTENDED PARENTS IN WHICH THE WOMAN
21 RELINQUISHES ALL RIGHTS AS A PARENT OF A CHILD CONCEIVED BY MEANS OF
22 ASSISTED REPRODUCTION, AND WHICH PROVIDES THAT THE INTENDED PARENTS
23 BECOME THE PARENTS OF THE CHILD.

24 (2) IF A BIRTH RESULTS UNDER SUCH AN AGREEMENT AND THE
25 AGREEMENT IS UNENFORCEABLE UNDER THE LAW OF THIS STATE, THE
26 PARENT-CHILD RELATIONSHIP IS DETERMINED AS PROVIDED IN PART II OF THIS
27 SUBTITLE.

28 5-1003.

29 AN EQUITY COURT HAS JURISDICTION OVER PARENTAGE UNDER THIS
30 SUBTITLE.

31 5-1004.

32 PROCEEDINGS UNDER THIS SUBTITLE ARE SUBJECT TO OTHER LAW OF THIS
33 STATE GOVERNING THE HEALTH, SAFETY, PRIVACY, AND LIBERTY OF A CHILD OR
34 OTHER INDIVIDUAL WHO COULD BE JEOPARDIZED BY DISCLOSURE OF IDENTIFYING

1 INFORMATION, INCLUDING ADDRESS, TELEPHONE NUMBER, PLACE OF
2 EMPLOYMENT, SOCIAL SECURITY NUMBER, AND THE CHILD'S DAY CARE FACILITY
3 AND SCHOOL.

4 5-1005.

5 PROVISIONS OF THIS SUBTITLE RELATING TO DETERMINATION OF PATERNITY
6 APPLY TO DETERMINATIONS OF MATERNITY.

7 PART II. PARENT - CHILD RELATIONSHIP.

8 5-1006.

9 (A) THE MOTHER-CHILD RELATIONSHIP IS ESTABLISHED BETWEEN A
10 WOMAN AND A CHILD BY:

11 (1) THE WOMAN'S HAVING GIVEN BIRTH TO THE CHILD, EXCEPT AS
12 OTHERWISE PROVIDED IN PART VIII OF THIS SUBTITLE;

13 (2) AN ADJUDICATION OF THE WOMAN'S MATERNITY;

14 (3) ADOPTION OF THE CHILD BY THE WOMAN; OR

15 (4) AN ADJUDICATION CONFIRMING THE WOMAN AS A PARENT OF A
16 CHILD BORN TO A GESTATIONAL MOTHER IF THE AGREEMENT WAS VALIDATED
17 UNDER PART VIII OF THIS SUBTITLE OR IS ENFORCEABLE UNDER OTHER LAW.

18 (B) THE FATHER-CHILD RELATIONSHIP IS ESTABLISHED BETWEEN A MAN
19 AND A CHILD BY:

20 (1) AN UNREBUTTED PRESUMPTION OF THE MAN'S PATERNITY OF THE
21 CHILD UNDER § 5-1009 OF THIS SUBTITLE;

22 (2) AN EFFECTIVE ACKNOWLEDGMENT OF PATERNITY BY THE MAN
23 UNDER PART III OF THIS SUBTITLE, UNLESS THE ACKNOWLEDGMENT HAS BEEN
24 RESCINDED OR SUCCESSFULLY CHALLENGED;

25 (3) AN ADJUDICATION OF THE MAN'S PATERNITY;

26 (4) ADOPTION OF THE CHILD BY THE MAN;

27 (5) THE MAN'S HAVING CONSENTED TO ASSISTED REPRODUCTION BY
28 HIS WIFE UNDER PART VII OF THIS SUBTITLE WHICH RESULTED IN THE BIRTH OF
29 THE CHILD; OR

30 (6) AN ADJUDICATION CONFIRMING THE MAN AS A PARENT OF A CHILD
31 BORN TO A GESTATIONAL MOTHER IF THE AGREEMENT WAS VALIDATED UNDER
32 PART VIII OF THIS SUBTITLE OR IS ENFORCEABLE UNDER OTHER LAW.

1 5-1007.

2 A CHILD BORN TO PARENTS WHO ARE NOT MARRIED TO EACH OTHER HAS THE
3 SAME RIGHTS UNDER THE LAW AS A CHILD BORN TO PARENTS WHO ARE MARRIED TO
4 EACH OTHER.

5 5-1008.

6 UNLESS PARENTAL RIGHTS ARE TERMINATED, A PARENT-CHILD
7 RELATIONSHIP ESTABLISHED UNDER THIS SUBTITLE APPLIES FOR ALL PURPOSES,
8 EXCEPT AS OTHERWISE PROVIDED BY OTHER LAW OF THIS STATE.

9 5-1009.

10 (A) A MAN IS PRESUMED TO BE THE FATHER OF A CHILD IF:

11 (1) HE AND THE MOTHER OF THE CHILD ARE MARRIED TO EACH OTHER
12 AND THE CHILD IS BORN DURING THE MARRIAGE;

13 (2) HE AND THE MOTHER OF THE CHILD WERE MARRIED TO EACH
14 OTHER AND THE CHILD IS BORN WITHIN 300 DAYS AFTER THE MARRIAGE IS
15 TERMINATED BY DEATH, ANNULMENT, DECLARATION OF INVALIDITY, OR DIVORCE;

16 (3) BEFORE THE BIRTH OF THE CHILD, HE AND THE MOTHER OF THE
17 CHILD MARRIED EACH OTHER IN APPARENT COMPLIANCE WITH LAW, EVEN IF THE
18 ATTEMPTED MARRIAGE IS OR COULD BE DECLARED INVALID, AND THE CHILD IS
19 BORN DURING THE INVALID MARRIAGE OR WITHIN 300 DAYS AFTER ITS
20 TERMINATION BY DEATH, ANNULMENT, DECLARATION OF INVALIDITY, OR DIVORCE;
21 OR

22 (4) AFTER THE BIRTH OF THE CHILD, HE AND THE MOTHER OF THE
23 CHILD MARRIED EACH OTHER IN APPARENT COMPLIANCE WITH LAW, WHETHER OR
24 NOT THE MARRIAGE IS OR COULD BE DECLARED INVALID, AND HE VOLUNTARILY
25 ASSERTED HIS PATERNITY OF THE CHILD, AND:

26 (I) THE ASSERTION IS IN A RECORD FILED WITH THE
27 DEPARTMENT OF HEALTH AND MENTAL HYGIENE;

28 (II) HE AGREED TO BE AND IS NAMED AS THE CHILD'S FATHER ON
29 THE CHILD'S BIRTH CERTIFICATE; OR

30 (III) HE PROMISED IN A RECORD TO SUPPORT THE CHILD AS HIS
31 OWN.

32 (B) A PRESUMPTION OF PATERNITY ESTABLISHED UNDER THIS SECTION MAY
33 BE REBUTTED ONLY BY AN ADJUDICATION UNDER PART VI OF THIS SUBTITLE.

PART III. VOLUNTARY ACKNOWLEDGMENT OF PATERNITY.

2 5-1010.

3 THE MOTHER OF A CHILD AND A MAN CLAIMING TO BE THE FATHER OF THE
4 CHILD CONCEIVED AS THE RESULT OF HIS SEXUAL INTERCOURSE WITH THE
5 MOTHER MAY SIGN AN ACKNOWLEDGMENT OF PATERNITY WITH INTENT TO
6 ESTABLISH THE MAN'S PATERNITY.

7 5-1011.

8 (A) AN ACKNOWLEDGMENT OF PATERNITY MUST:

9 (1) BE IN A RECORD;

10 (2) BE SIGNED, OR OTHERWISE AUTHENTICATED, UNDER PENALTY OF
11 PERJURY BY THE MOTHER AND BY THE MAN SEEKING TO ESTABLISH HIS
12 PATERNITY;

13 (3) STATE THAT THE CHILD WHOSE PATERNITY IS BEING
14 ACKNOWLEDGED:

15 (I) DOES NOT HAVE A PRESUMED FATHER, OR HAS A PRESUMED
16 FATHER WHOSE FULL NAME IS STATED; AND

17 (II) DOES NOT HAVE ANOTHER ACKNOWLEDGED OR ADJUDICATED
18 FATHER.

19 (4) STATE WHETHER THERE HAS BEEN GENETIC TESTING AND, IF SO,
20 THAT THE ACKNOWLEDGING MAN'S CLAIM OF PATERNITY IS CONSISTENT WITH THE
21 RESULTS OF THE TESTING; AND

22 (5) STATE THAT THE SIGNATORIES UNDERSTAND THAT THE
23 ACKNOWLEDGMENT IS THE EQUIVALENT OF A JUDICIAL ADJUDICATION OF
24 PATERNITY OF THE CHILD AND THAT A CHALLENGE TO THE ACKNOWLEDGMENT IS
25 PERMITTED ONLY UNDER LIMITED CIRCUMSTANCES AND IS BARRED AFTER TWO
26 YEARS.

27 (B) AN ACKNOWLEDGMENT OF PATERNITY IS VOID IF IT:

28 (1) STATES THAT ANOTHER MAN IS A PRESUMED FATHER, UNLESS A
29 DENIAL OF PATERNITY SIGNED OR OTHERWISE AUTHENTICATED BY THE PRESUMED
30 FATHER IS FILED WITH THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE;

31 (2) STATES THAT ANOTHER MAN IS AN ACKNOWLEDGED OR
32 ADJUDICATED FATHER; OR

33 (3) FALSELY DENIES THE EXISTENCE OF A PRESUMED,
34 ACKNOWLEDGED, OR ADJUDICATED FATHER OF THE CHILD.

1 (C) A PRESUMED FATHER MAY SIGN OR OTHERWISE AUTHENTICATE AN
2 ACKNOWLEDGMENT OF PATERNITY.

3 5-1012.

4 (A) A PRESUMED FATHER MAY SIGN A DENIAL OF HIS PATERNITY.

5 (B) THE DENIAL IS VALID ONLY IF:

6 (1) AN ACKNOWLEDGMENT OF PATERNITY SIGNED, OR OTHERWISE
7 AUTHENTICATED, BY ANOTHER MAN IS FILED IN ACCORDANCE WITH § 5-1014 OF
8 THIS SUBTITLE;

9 (2) THE DENIAL IS IN A RECORD, AND IS SIGNED, OR OTHERWISE
10 AUTHENTICATED, UNDER PENALTY OF PERJURY; AND

11 (3) THE PRESUMED FATHER HAS NOT PREVIOUSLY:

12 (I) ACKNOWLEDGED HIS PATERNITY, UNLESS THE PREVIOUS
13 ACKNOWLEDGMENT HAS BEEN RESCINDED IN ACCORDANCE WITH § 5-1016 OF ;THIS
14 SUBTITLE OR SUCCESSFULLY CHALLENGED IN ACCORDANCE WITH § 5-1017 OF THIS
15 SUBTITLE; OR

16 (II) BEEN ADJUDICATED TO BE THE FATHER OF THE CHILD.

17 5-1013.

18 (A) (1) AN ACKNOWLEDGMENT OF PATERNITY AND A DENIAL OF
19 PATERNITY MAY BE CONTAINED IN A SINGLE DOCUMENT OR MAY BE SIGNED IN
20 COUNTERPARTS, AND MAY BE FILED SEPARATELY OR SIMULTANEOUSLY.

21 (2) IF THE ACKNOWLEDGMENT AND DENIAL ARE BOTH NECESSARY,
22 NEITHER IS VALID UNTIL BOTH ARE FILED.

23 (B) AN ACKNOWLEDGMENT OF PATERNITY OR A DENIAL OF PATERNITY MAY
24 BE SIGNED BEFORE THE BIRTH OF THE CHILD.

25 (C) SUBJECT TO SUBSECTION (A) OF THIS SECTION, AN ACKNOWLEDGMENT
26 OF PATERNITY OR DENIAL OF PATERNITY TAKES EFFECT ON THE BIRTH OF THE
27 CHILD OR THE FILING OF THE DOCUMENT WITH THE DEPARTMENT OF HEALTH AND
28 MENTAL HYGIENE, WHICHEVER OCCURS LATER.

29 (D) AN ACKNOWLEDGMENT OF PATERNITY OR DENIAL OF PATERNITY SIGNED
30 BY A MINOR IS VALID IF IT IS OTHERWISE IN COMPLIANCE WITH THIS SUBTITLE.

31 5-1014.

32 (A) EXCEPT AS OTHERWISE PROVIDED IN §§ 5-1016 AND 5-1017 OF THIS
33 SUBTITLE, A VALID ACKNOWLEDGMENT OF PATERNITY FILED WITH THE
34 DEPARTMENT OF HEALTH AND MENTAL HYGIENE IS EQUIVALENT TO AN

1 ADJUDICATION OF PATERNITY OF A CHILD AND CONFERS UPON THE
2 ACKNOWLEDGED FATHER ALL OF THE RIGHTS AND DUTIES OF A PARENT.

3 (B) EXCEPT AS OTHERWISE PROVIDED IN §§ 5-1016 AND 5-1017 OF THIS
4 SUBTITLE, A VALID DENIAL OF PATERNITY FILED WITH THE DEPARTMENT OF
5 HEALTH AND MENTAL HYGIENE IN CONJUNCTION WITH A VALID
6 ACKNOWLEDGMENT OF PATERNITY IS EQUIVALENT TO AN ADJUDICATION OF THE
7 NONPATERNITY OF THE PRESUMED FATHER AND DISCHARGES THE PRESUMED
8 FATHER FROM ALL RIGHTS AND DUTIES OF A PARENT.

9 5-1015.

10 THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE MAY NOT CHARGE A FEE
11 FOR FILING AN ACKNOWLEDGMENT OF PATERNITY OR DENIAL OF PATERNITY.

12 5-1016.

13 A SIGNATORY MAY RESCIND AN ACKNOWLEDGMENT OF PATERNITY OR DENIAL
14 OF PATERNITY BY COMMENCING A PROCEEDING TO RESCIND BEFORE THE EARLIER
15 OF:

16 (1) 60 DAYS AFTER THE EFFECTIVE DATE OF THE ACKNOWLEDGMENT
17 OR DENIAL, AS PROVIDED IN § 5-1013 OF THIS SUBTITLE; OR

18 (2) THE DATE OF THE FIRST HEARING, IN A PROCEEDING TO WHICH THE
19 SIGNATORY IS A PARTY, BEFORE A COURT TO ADJUDICATE AN ISSUE RELATING TO
20 THE CHILD, INCLUDING A PROCEEDING THAT ESTABLISHES SUPPORT.

21 5-1017.

22 (A) AFTER THE PERIOD FOR RESCISSION UNDER § 5-1016 OF THIS SUBTITLE
23 HAS EXPIRED, A SIGNATORY OF AN ACKNOWLEDGMENT OF PATERNITY OR DENIAL
24 OF PATERNITY MAY COMMENCE A PROCEEDING TO CHALLENGE THE
25 ACKNOWLEDGMENT OR DENIAL ONLY:

26 (1) ON THE BASIS OF FRAUD, DURESS, OR MATERIAL MISTAKE OF FACT;
27 AND

28 (2) WITHIN TWO YEARS AFTER THE ACKNOWLEDGMENT OR DENIAL IS
29 FILED WITH THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE.

30 (B) A PARTY CHALLENGING AN ACKNOWLEDGMENT OF PATERNITY OR
31 DENIAL OF PATERNITY HAS THE BURDEN OF PROOF.

32 5-1018.

33 (A) EVERY SIGNATORY TO AN ACKNOWLEDGMENT OF PATERNITY AND ANY
34 RELATED DENIAL OF PATERNITY SHALL BE MADE A PARTY TO A PROCEEDING TO
35 RESCIND OR CHALLENGE THE ACKNOWLEDGMENT OR DENIAL.

1 (B) FOR THE PURPOSE OF RESCISSION OF, OR CHALLENGE TO, AN
2 ACKNOWLEDGMENT OF PATERNITY OR DENIAL OF PATERNITY, A SIGNATORY
3 SUBMITS TO PERSONAL JURISDICTION OF THIS STATE BY SIGNING THE
4 ACKNOWLEDGMENT OR DENIAL, EFFECTIVE UPON THE FILING OF THE DOCUMENT
5 WITH THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE.

6 (C) EXCEPT FOR GOOD CAUSE SHOWN, DURING THE PENDENCY OF A
7 PROCEEDING TO RESCIND OR CHALLENGE AN ACKNOWLEDGMENT OF PATERNITY
8 OR DENIAL OF PATERNITY, THE COURT MAY NOT SUSPEND THE LEGAL
9 RESPONSIBILITIES OF A SIGNATORY ARISING FROM THE ACKNOWLEDGMENT,
10 INCLUDING THE DUTY TO PAY CHILD SUPPORT.

11 (D) A PROCEEDING TO RESCIND OR TO CHALLENGE AN ACKNOWLEDGMENT
12 OF PATERNITY OR DENIAL OF PATERNITY MUST BE CONDUCTED IN THE SAME
13 MANNER AS A PROCEEDING TO ADJUDICATE PARENTAGE UNDER PART VI OF THIS
14 SUBTITLE.

15 (E) AT THE CONCLUSION OF A PROCEEDING TO RESCIND OR CHALLENGE AN
16 ACKNOWLEDGMENT OF PATERNITY OR DENIAL OF PATERNITY, THE COURT SHALL
17 ORDER THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE TO AMEND THE BIRTH
18 RECORD OF THE CHILD, IF APPROPRIATE.

19 5-1019.

20 A COURT OR ADMINISTRATIVE AGENCY CONDUCTING A JUDICIAL OR
21 ADMINISTRATIVE PROCEEDING IS NOT REQUIRED OR PERMITTED TO RATIFY AN
22 UNCHALLENGED ACKNOWLEDGMENT OF PATERNITY.

23 5-1020.

24 A COURT OF THIS STATE SHALL GIVE FULL FAITH AND CREDIT TO AN
25 ACKNOWLEDGMENT OF PATERNITY OR DENIAL OF PATERNITY EFFECTIVE IN
26 ANOTHER STATE IF THE ACKNOWLEDGMENT OR DENIAL HAS BEEN SIGNED AND IS
27 OTHERWISE IN COMPLIANCE WITH THE LAW OF THE OTHER STATE.

28 5-1021.

29 (A) TO FACILITATE COMPLIANCE WITH THIS PART III OF THIS SUBTITLE, THE
30 DEPARTMENT SHALL PRESCRIBE FORMS FOR THE ACKNOWLEDGMENT OF
31 PATERNITY AND THE DENIAL OF PATERNITY.

32 (B) A VALID ACKNOWLEDGMENT OF PATERNITY OR DENIAL OF PATERNITY IS
33 NOT AFFECTED BY A LATER MODIFICATION OF THE PRESCRIBED FORM.

34 5-1022.

35 THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE MAY RELEASE
36 INFORMATION RELATING TO THE ACKNOWLEDGMENT OF PATERNITY OR DENIAL OF
37 PATERNITY TO A SIGNATORY OF THE ACKNOWLEDGMENT OR DENIAL, A COURT, AND
38 A CHILD SUPPORT ENFORCEMENT AGENCY.

1 5-1023.

2 THE SECRETARY, IN CONSULTATION WITH THE DEPARTMENT OF HEALTH AND
3 MENTAL HYGIENE AND THE MARYLAND HOSPITAL ASSOCIATION, SHALL ADOPT
4 REGULATIONS GOVERNING THE PROVISIONS OF THIS SECTION AND § 4-208 OF THE
5 HEALTH - GENERAL ARTICLE.

6 PART IV. REGISTRY OF PATERNITY.

7 5-1024.

8 A REGISTRY OF PATERNITY IS ESTABLISHED IN THE DEPARTMENT.

9 5-1025.

10 (A) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (B) OF THIS SECTION
11 OR IN § 5-1028 OF THIS SUBTITLE, A MAN WHO DESIRES TO BE NOTIFIED OF A
12 PROCEEDING FOR ADOPTION OF, OR TERMINATION OF PARENTAL RIGHTS
13 REGARDING, A CHILD THAT HE MAY HAVE FATHERED SHALL REGISTER IN THE
14 REGISTRY OF PATERNITY BEFORE THE BIRTH OF THE CHILD OR WITHIN 30 DAYS
15 AFTER THE BIRTH.

16 (B) A MAN IS NOT REQUIRED TO REGISTER IF:

17 (1) A FATHER-CHILD RELATIONSHIP BETWEEN THE MAN AND THE
18 CHILD HAS BEEN ESTABLISHED UNDER THIS SUBTITLE OR OTHER LAW ; OR

19 (2) THE MAN COMMENCES A PROCEEDING TO ADJUDICATE HIS
20 PATERNITY BEFORE THE COURT HAS TERMINATED HIS PARENTAL RIGHTS.

21 (C) (1) A REGISTRANT SHALL PROMPTLY NOTIFY THE REGISTRY IN A
22 RECORD OF ANY CHANGE IN THE INFORMATION REGISTERED.

23 (2) THE DEPARTMENT SHALL INCORPORATE ALL NEW INFORMATION
24 RECEIVED INTO ITS RECORDS BUT NEED NOT AFFIRMATIVELY SEEK TO OBTAIN
25 CURRENT INFORMATION FOR INCORPORATION IN THE REGISTRY.

26 5-1026.

27 (A) NOTICE OF A PROCEEDING FOR THE ADOPTION OF, OR TERMINATION OF
28 PARENTAL RIGHTS REGARDING, A CHILD MUST BE GIVEN TO A REGISTRANT WHO
29 HAS TIMELY REGISTERED.

30 (B) NOTICE MUST BE GIVEN IN A MANNER PRESCRIBED FOR SERVICE OF
31 PROCESS IN A CIVIL ACTION.

32 5-1027.

33 THE PARENTAL RIGHTS OF A MAN WHO MAY BE THE FATHER OF A CHILD MAY
34 BE TERMINATED WITHOUT NOTICE IF:

1 (1) THE CHILD HAS NOT ATTAINED 1 YEAR OF AGE AT THE TIME OF THE
2 TERMINATION OF PARENTAL RIGHTS;

3 (2) THE MAN DID NOT REGISTER TIMELY WITH THE DEPARTMENT; AND

4 (3) THE MAN IS NOT EXEMPT FROM REGISTRATION UNDER § 5-1025 OF
5 THIS SUBTITLE.

6 5-1028.

7 (A) IF A CHILD HAS ATTAINED 1 YEAR OF AGE, NOTICE OF A PROCEEDING FOR
8 ADOPTION OF, OR TERMINATION OF PARENTAL RIGHTS REGARDING, THE CHILD
9 MUST BE GIVEN TO EVERY ALLEGED FATHER OF THE CHILD, WHETHER OR NOT HE
10 HAS REGISTERED WITH THE DEPARTMENT.

11 (B) NOTICE MUST BE GIVEN IN A MANNER PRESCRIBED FOR SERVICE OF
12 PROCESS IN A CIVIL ACTION.

13 5-1029.

14 (A) THE DEPARTMENT SHALL PREPARE A FORM FOR REGISTERING WITH THE
15 AGENCY.

16 (B) THE FORM SHALL:

17 (1) REQUIRE THE SIGNATURE OF THE REGISTRANT; AND

18 (2) STATE THAT:

19 (I) THE FORM IS SIGNED UNDER PENALTY OF PERJURY;

20 (II) A TIMELY REGISTRATION ENTITLES THE REGISTRANT TO
21 NOTICE OF A PROCEEDING FOR ADOPTION OF THE CHILD OR TERMINATION OF THE
22 REGISTRANT'S PARENTAL RIGHTS;

23 (III) A TIMELY REGISTRATION DOES NOT COMMENCE A
24 PROCEEDING TO ESTABLISH PATERNITY;

25 (IV) THE INFORMATION DISCLOSED ON THE FORM MAY BE USED
26 AGAINST THE REGISTRANT TO ESTABLISH PATERNITY;

27 (V) SERVICES TO ASSIST IN ESTABLISHING PATERNITY ARE
28 AVAILABLE TO THE REGISTRANT THROUGH THE SUPPORT ENFORCEMENT AGENCY;

29 (VI) THE REGISTRANT SHOULD ALSO REGISTER IN ANOTHER STATE
30 IF CONCEPTION OR BIRTH OF THE CHILD OCCURRED IN THE OTHER STATE;

31 (VII) INFORMATION ON REGISTRIES OF OTHER STATES IS
32 AVAILABLE FROM THE DEPARTMENT; AND

1 (VIII) PROCEDURES EXIST TO RESCIND THE REGISTRATION OF A
2 CLAIM OF PATERNITY.

3 5-1030.

4 (A) THE DEPARTMENT NEED NOT SEEK TO LOCATE THE MOTHER OF A CHILD
5 WHO IS THE SUBJECT OF A REGISTRATION, BUT THE DEPARTMENT SHALL SEND A
6 COPY OF THE NOTICE OF REGISTRATION TO A MOTHER IF SHE HAS PROVIDED AN
7 ADDRESS.

8 (B) INFORMATION CONTAINED IN THE REGISTRY IS CONFIDENTIAL AND MAY
9 BE RELEASED ON REQUEST ONLY TO:

10 (1) A COURT OR A PERSON DESIGNATED BY THE COURT;

11 (2) THE MOTHER OF THE CHILD WHO IS THE SUBJECT OF THE
12 REGISTRATION;

13 (3) AN AGENCY AUTHORIZED BY OTHER LAW TO RECEIVE THE
14 INFORMATION;

15 (4) A LICENSED CHILD PLACEMENT AGENCY;

16 (5) A SUPPORT ENFORCEMENT AGENCY;

17 (6) A PARTY OR THE PARTY'S ATTORNEY OF RECORD IN A PROCEEDING
18 UNDER THIS SUBTITLE OR IN A PROCEEDING FOR ADOPTION OF, OR FOR
19 TERMINATION OF PARENTAL RIGHTS REGARDING, A CHILD WHO IS THE SUBJECT OF
20 THE REGISTRATION; AND

21 (7) THE REGISTRY OF PATERNITY IN ANOTHER STATE.

22 5-1031.

23 AN INDIVIDUAL WHO INTENTIONALLY RELEASES INFORMATION FROM THE
24 REGISTRY TO ANOTHER INDIVIDUAL OR AGENCY NOT AUTHORIZED TO RECEIVE THE
25 INFORMATION UNDER § 5-1030 OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR
26 AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$100 OR
27 IMPRISONMENT NOT EXCEEDING 30 DAYS OR BOTH.

28 5-1032.

29 A REGISTRANT MAY RESCIND HIS REGISTRATION AT ANY TIME BY SENDING TO
30 THE REGISTRY A RESCISSION IN A RECORD SIGNED OR OTHERWISE AUTHENTICATED
31 BY HIM, AND WITNESSED OR NOTARIZED.

32 5-1033.

33 IF A MAN REGISTERS MORE THAN 30 DAYS AFTER THE BIRTH OF THE CHILD,
34 THE DEPARTMENT SHALL NOTIFY THE REGISTRANT THAT ON ITS FACE HIS
35 REGISTRATION WAS NOT FILED TIMELY.

1 5-1034.

2 (A) A FEE MAY NOT BE CHARGED FOR FILING A REGISTRATION OR A
3 RESCISSION OF REGISTRATION.

4 (B) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (C) OF THIS SECTION,
5 THE DEPARTMENT MAY CHARGE A REASONABLE FEE FOR MAKING A SEARCH OF THE
6 REGISTRY AND FOR FURNISHING A CERTIFICATE.

7 (C) A SUPPORT ENFORCEMENT AGENCY IS NOT REQUIRED TO PAY A FEE
8 AUTHORIZED BY SUBSECTION (B) OF THIS SECTION.

9 5-1035.

10 (A) IF A FATHER-CHILD RELATIONSHIP HAS NOT BEEN ESTABLISHED UNDER
11 THIS SUBTITLE FOR A CHILD UNDER 1 YEAR OF AGE, A PETITIONER FOR ADOPTION
12 OF, OR TERMINATION OF PARENTAL RIGHTS REGARDING, THE CHILD, MUST OBTAIN
13 A CERTIFICATE OF SEARCH OF THE REGISTRY OF PATERNITY.

14 (B) IF A PETITIONER FOR ADOPTION OF, OR TERMINATION OF PARENTAL
15 RIGHTS REGARDING, A CHILD HAS REASON TO BELIEVE THAT THE CONCEPTION OR
16 BIRTH OF THE CHILD MAY HAVE OCCURRED IN ANOTHER STATE, THE PETITIONER
17 MUST ALSO OBTAIN A CERTIFICATE OF SEARCH FROM THE REGISTRY OF PATERNITY,
18 IF ANY, IN THAT STATE.

19 5-1036.

20 (A) THE DEPARTMENT SHALL FURNISH TO THE REQUESTER A CERTIFICATE
21 OF SEARCH OF THE REGISTRY ON REQUEST OF AN INDIVIDUAL, COURT, OR AGENCY
22 IDENTIFIED IN § 5-1030 OF THIS SUBTITLE.

23 (B) A CERTIFICATE PROVIDED BY THE DEPARTMENT SHALL BE SIGNED ON
24 BEHALF OF THE DEPARTMENT AND STATE THAT:

25 (1) A SEARCH HAS BEEN MADE OF THE REGISTRY; AND

26 (2) A REGISTRATION CONTAINING THE INFORMATION REQUIRED TO
27 IDENTIFY THE REGISTRANT:

28 (I) HAS BEEN FOUND AND IS ATTACHED TO THE CERTIFICATE OF
29 SEARCH; OR

30 (II) HAS NOT BEEN FOUND.

31 (C) A PETITIONER SHALL FILE THE CERTIFICATE OF SEARCH WITH THE
32 COURT BEFORE A PROCEEDING FOR ADOPTION OF, OR TERMINATION OF PARENTAL
33 RIGHTS REGARDING, A CHILD MAY BE CONCLUDED.

1 5-1037.

2 A CERTIFICATE OF SEARCH OF THE REGISTRY OF PATERNITY IN THIS OR
3 ANOTHER STATE IS ADMISSIBLE IN A PROCEEDING FOR ADOPTION OF, OR
4 TERMINATION OF PARENTAL RIGHTS REGARDING, A CHILD AND, IF RELEVANT, IN
5 OTHER LEGAL PROCEEDINGS.

6 PART V. GENETIC TESTING.

7 5-1038.

8 THIS PART V OF THIS SUBTITLE GOVERNS GENETIC TESTING OF AN INDIVIDUAL
9 TO DETERMINE PARENTAGE, WHETHER THE INDIVIDUAL:

10 (1) VOLUNTARILY SUBMITS TO TESTING; OR

11 (2) IS TESTED PURSUANT TO AN ORDER OF THE COURT OR A SUPPORT
12 ENFORCEMENT AGENCY.

13 5-1039.

14 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS PART V OF THIS SUBTITLE AND
15 IN PART VI OF THIS SUBTITLE, THE COURT SHALL ORDER THE CHILD AND OTHER
16 DESIGNATED INDIVIDUALS TO SUBMIT TO GENETIC TESTING IF THE REQUEST FOR
17 TESTING IS SUPPORTED BY THE SWORN STATEMENT OF A PARTY TO THE
18 PROCEEDING:

19 (1) ALLEGING PATERNITY AND STATING FACTS ESTABLISHING A
20 REASONABLE PROBABILITY OF THE REQUISITE SEXUAL CONTACT BETWEEN THE
21 INDIVIDUALS; OR

22 (2) DENYING PATERNITY AND STATING FACTS ESTABLISHING A
23 POSSIBILITY THAT SEXUAL CONTACT BETWEEN THE INDIVIDUALS, IF ANY, DID NOT
24 RESULT IN THE CONCEPTION OF THE CHILD.

25 (B) A SUPPORT ENFORCEMENT AGENCY MAY ORDER GENETIC TESTING ONLY
26 IF THERE IS NO PRESUMED, ACKNOWLEDGED, OR ADJUDICATED FATHER.

27 (C) IF A REQUEST FOR GENETIC TESTING OF A CHILD IS MADE BEFORE BIRTH,
28 THE COURT OR SUPPORT ENFORCEMENT AGENCY MAY NOT ORDER IN-UTERO
29 TESTING.

30 (D) IF TWO OR MORE MEN ARE SUBJECT TO COURT ORDERED GENETIC
31 TESTING, THE TESTING MAY BE ORDERED CONCURRENTLY OR SEQUENTIALLY.

32 5-1040.

33 (A) GENETIC TESTING SHALL BE OF A TYPE REASONABLY RELIED UPON BY
34 EXPERTS IN THE FIELD OF GENETIC TESTING AND PERFORMED IN A TESTING
35 LABORATORY ACCREDITED BY:

1 (1) THE AMERICAN ASSOCIATION OF BLOOD BANKS, OR A SUCCESSOR TO
2 ITS FUNCTIONS;

3 (2) THE AMERICAN SOCIETY FOR HISTOCOMPATIBILITY AND
4 IMMUNOGENETICS, OR A SUCCESSOR TO ITS FUNCTIONS; OR

5 (3) AN ACCREDITING BODY DESIGNATED BY THE FEDERAL SECRETARY
6 OF HEALTH AND HUMAN SERVICES.

7 (B) (1) A SPECIMEN USED IN GENETIC TESTING MAY CONSIST OF ONE OR
8 MORE SAMPLES, OR A COMBINATION OF SAMPLES, OF BLOOD, BUCCAL CELLS, BONE,
9 HAIR, OR OTHER BODY TISSUE OR FLUID.

10 (2) THE SPECIMEN USED IN THE TESTING NEED NOT BE OF THE SAME
11 KIND FOR EACH INDIVIDUAL UNDERGOING GENETIC TESTING.

12 (C) (1) BASED ON THE ETHNIC OR RACIAL GROUP OF AN INDIVIDUAL, THE
13 TESTING LABORATORY SHALL DETERMINE THE DATABASES FROM WHICH TO
14 SELECT FREQUENCIES FOR USE IN CALCULATION OF THE PROBABILITY OF
15 PATERNITY.

16 (2) IF THERE IS DISAGREEMENT AS TO THE TESTING LABORATORY'S
17 CHOICE, THE INDIVIDUAL OBJECTING MAY REQUIRE THE TESTING LABORATORY,
18 WITHIN 30 DAYS AFTER RECEIPT OF THE REPORT OF THE TEST, TO RECALCULATE
19 THE PROBABILITY OF PATERNITY USING AN ETHNIC OR RACIAL GROUP DIFFERENT
20 FROM THAT USED BY THE LABORATORY.

21 (3) THE INDIVIDUAL OBJECTING TO THE TESTING LABORATORY'S
22 INITIAL CHOICE SHALL:

23 (I) IF THE FREQUENCIES ARE NOT AVAILABLE TO THE TESTING
24 LABORATORY FOR THE ETHNIC OR RACIAL GROUP REQUESTED, PROVIDE THE
25 REQUESTED FREQUENCIES COMPILED IN A MANNER RECOGNIZED BY ACCREDITING
26 BODIES; OR

27 (II) ENGAGE ANOTHER TESTING LABORATORY TO PERFORM THE
28 CALCULATIONS.

29 (4) (I) THE TESTING LABORATORY MAY USE ITS OWN STATISTICAL
30 ESTIMATE IF THERE IS A QUESTION REGARDING WHICH ETHNIC OR RACIAL GROUP
31 IS APPROPRIATE.

32 (II) IF AVAILABLE, THE TESTING LABORATORY SHALL CALCULATE
33 THE FREQUENCIES USING STATISTICS FOR ANY OTHER ETHNIC OR RACIAL GROUP
34 REQUESTED.

35 (D) IF, AFTER RECALCULATION USING A DIFFERENT ETHNIC OR RACIAL
36 GROUP, GENETIC TESTING DOES NOT REBUTTABLY IDENTIFY A MAN AS THE FATHER
37 OF A CHILD UNDER § 5-1042 OF THIS SUBTITLE, AN INDIVIDUAL WHO HAS BEEN
38 TESTED MAY BE REQUIRED TO SUBMIT TO ADDITIONAL GENETIC TESTING.

1 5-1041.

2 (A) (1) A REPORT OF GENETIC TESTING MUST BE IN A RECORD AND SIGNED
3 UNDER PENALTY OF PERJURY BY A DESIGNEE OF THE TESTING LABORATORY.

4 (2) A REPORT MADE UNDER THE REQUIREMENTS OF THIS PART V OF
5 THIS SUBTITLE IS SELF AUTHENTICATING.

6 (B) DOCUMENTATION FROM THE TESTING LABORATORY OF THE FOLLOWING
7 INFORMATION IS SUFFICIENT TO ESTABLISH A RELIABLE CHAIN OF CUSTODY THAT
8 ALLOWS THE RESULTS OF GENETIC TESTING TO BE ADMISSIBLE WITHOUT
9 TESTIMONY:

10 (1) THE NAMES AND PHOTOGRAPHS OF THE INDIVIDUALS WHOSE
11 SPECIMENS HAVE BEEN TAKEN;

12 (2) THE NAMES OF THE INDIVIDUALS WHO COLLECTED THE
13 SPECIMENS;

14 (3) THE PLACES AND DATES THE SPECIMENS WERE COLLECTED;

15 (4) THE NAMES OF THE INDIVIDUALS WHO RECEIVED THE SPECIMENS
16 IN THE TESTING LABORATORY; AND

17 (5) THE DATES THE SPECIMENS WERE RECEIVED.

18 5-1042.

19 (A) UNDER THIS SUBTITLE, A MAN IS REBUTTABLY IDENTIFIED AS THE
20 FATHER OF A CHILD IF THE GENETIC TESTING COMPLIES WITH THIS PART V OF THIS
21 SUBTITLE AND THE RESULTS DISCLOSE THAT:

22 (1) THE MAN HAS AT LEAST A 99 PERCENT PROBABILITY OF PATERNITY,
23 USING A PRIOR PROBABILITY OF 0.50, AS CALCULATED BY USING THE COMBINED
24 PATERNITY INDEX OBTAINED IN THE TESTING; AND

25 (2) A COMBINED PATERNITY INDEX OF AT LEAST 100 TO 1.

26 (B) A MAN IDENTIFIED UNDER SUBSECTION (A) OF THIS SECTION AS THE
27 FATHER OF THE CHILD MAY REBUT THE GENETIC TESTING RESULTS ONLY BY OTHER
28 GENETIC TESTING SATISFYING THE REQUIREMENTS OF THIS PART V OF THIS
29 SUBTITLE THAT:

30 (1) EXCLUDES THE MAN AS A GENETIC FATHER OF THE CHILD; OR

31 (2) IDENTIFIES ANOTHER MAN AS THE FATHER OF THE CHILD.

32 (C) EXCEPT AS OTHERWISE PROVIDED IN § 5-1047 OF THIS SUBTITLE, IF MORE
33 THAN ONE MAN IS IDENTIFIED BY GENETIC TESTING AS THE POSSIBLE FATHER OF
34 THE CHILD, THE COURT SHALL ORDER THEM TO SUBMIT TO FURTHER GENETIC
35 TESTING TO IDENTIFY THE GENETIC FATHER.

1 5-1043.

2 (A) SUBJECT TO ASSESSMENT OF COSTS UNDER PART VI OF THIS SUBTITLE,
3 THE COST OF INITIAL GENETIC TESTING MUST BE ADVANCED:

4 (1) BY A SUPPORT ENFORCEMENT AGENCY IN A PROCEEDING IN WHICH
5 THE SUPPORT ENFORCEMENT AGENCY IS PROVIDING SERVICES;

6 (2) BY THE INDIVIDUAL WHO MADE THE REQUEST;

7 (3) AS AGREED BY THE PARTIES; OR

8 (4) AS ORDERED BY THE COURT.

9 (B) IN CASES IN WHICH THE COST IS ADVANCED BY THE SUPPORT
10 ENFORCEMENT AGENCY, THE AGENCY MAY SEEK REIMBURSEMENT FROM A MAN
11 WHO IS REBUTTABLY IDENTIFIED AS THE FATHER.

12 5-1044.

13 (A) THE COURT OR THE SUPPORT ENFORCEMENT AGENCY SHALL ORDER
14 ADDITIONAL GENETIC TESTING UPON THE REQUEST OF A PARTY WHO CONTESTS
15 THE RESULT OF THE ORIGINAL TESTING.

16 (B) IF THE PREVIOUS GENETIC TESTING IDENTIFIED A MAN AS THE FATHER
17 OF THE CHILD UNDER § 5-1042 OF THIS SUBTITLE, THE COURT OR AGENCY MAY NOT
18 ORDER ADDITIONAL TESTING UNLESS THE PARTY PROVIDES ADVANCE PAYMENT
19 FOR THE TESTING.

20 5-1045.

21 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, IF A GENETIC TESTING
22 SPECIMEN IS NOT AVAILABLE FROM A MAN WHO MAY BE THE FATHER OF A CHILD,
23 FOR GOOD CAUSE AND UNDER CIRCUMSTANCES THE COURT CONSIDERS TO BE JUST,
24 THE COURT MAY ORDER THE FOLLOWING INDIVIDUALS TO SUBMIT SPECIMENS FOR
25 GENETIC TESTING:

26 (1) THE PARENTS OF THE MAN;

27 (2) BROTHERS AND SISTERS OF THE MAN;

28 (3) OTHER CHILDREN OF THE MAN AND THEIR MOTHERS; AND

29 (4) OTHER RELATIVES OF THE MAN NECESSARY TO COMPLETE GENETIC
30 TESTING.

31 (B) ISSUANCE OF AN ORDER UNDER THIS SECTION REQUIRES A FINDING
32 THAT A NEED FOR GENETIC TESTING OUTWEIGHS THE LEGITIMATE INTERESTS OF
33 THE INDIVIDUAL SOUGHT TO BE TESTED.

1 5-1046.

2 FOR GOOD CAUSE SHOWN, THE COURT MAY ORDER GENETIC TESTING OF A
3 DECEASED INDIVIDUAL.

4 5-1047.

5 (A) THE COURT MAY ORDER GENETIC TESTING OF A BROTHER OF A MAN
6 IDENTIFIED AS THE FATHER OF A CHILD IF THE MAN IS COMMONLY BELIEVED TO
7 HAVE AN IDENTICAL BROTHER AND EVIDENCE SUGGESTS THAT THE BROTHER MAY
8 BE THE GENETIC FATHER OF THE CHILD.

9 (B) IF EACH BROTHER SATISFIES THE REQUIREMENTS AS THE IDENTIFIED
10 FATHER OF THE CHILD UNDER § 5-1042 OF THIS SUBTITLE WITHOUT
11 CONSIDERATION OF ANOTHER IDENTICAL BROTHER BEING IDENTIFIED AS THE
12 FATHER OF THE CHILD, THE COURT MAY RELY ON NONGENETIC EVIDENCE TO
13 ADJUDICATE WHICH BROTHER IS THE FATHER OF THE CHILD.

14 5-1048.

15 (A) RELEASE OF THE REPORT OF GENETIC TESTING FOR PARENTAGE IS
16 CONTROLLED BY APPLICABLE STATE LAW.

17 (B) AN INDIVIDUAL WHO INTENTIONALLY RELEASES AN IDENTIFIABLE
18 SPECIMEN OF ANOTHER INDIVIDUAL FOR ANY PURPOSE OTHER THAN THAT
19 RELEVANT TO THE PROCEEDING REGARDING PARENTAGE WITHOUT A COURT ORDER
20 OR THE WRITTEN PERMISSION OF THE INDIVIDUAL WHO FURNISHED THE SPECIMEN
21 IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT
22 NOT EXCEEDING 30 DAYS OR A FINE NOT EXCEEDING \$100 OR BOTH.

23 PART VI. PROCEEDING TO ADJUDICATE PARENTAGE.

24 5-1049.

25 (A) A CIVIL PROCEEDING MAY BE MAINTAINED TO ADJUDICATE THE
26 PARENTAGE OF A CHILD.

27 (B) THE PROCEEDING IS GOVERNED BY THE MARYLAND RULES.

28 5-1050.

29 SUBJECT TO PART III AND §§ 5-1055 AND 5-1057 OF THIS SUBTITLE, A
30 PROCEEDING TO ADJUDICATE PARENTAGE MAY BE MAINTAINED BY:

- 31 (1) THE CHILD;
- 32 (2) THE MOTHER OF THE CHILD;
- 33 (3) A MAN WHOSE PATERNITY OF THE CHILD IS TO BE ADJUDICATED;
- 34 (4) THE SUPPORT ENFORCEMENT AGENCY;

1 (5) AN AUTHORIZED ADOPTION AGENCY OR LICENSED CHILD
2 PLACEMENT AGENCY;

3 (6) A REPRESENTATIVE AUTHORIZED BY LAW TO ACT FOR AN
4 INDIVIDUAL WHO WOULD OTHERWISE BE ENTITLED TO MAINTAIN A PROCEEDING
5 BUT WHO IS DECEASED, INCAPACITATED, OR A MINOR; OR

6 (7) AN INTENDED PARENT UNDER PART VIII OF THIS SUBTITLE.

7 5-1051.

8 THE FOLLOWING INDIVIDUALS MUST BE JOINED AS PARTIES IN A PROCEEDING
9 TO ADJUDICATE PARENTAGE:

10 (1) THE MOTHER OF THE CHILD; AND

11 (2) A MAN WHOSE PATERNITY OF THE CHILD IS TO BE ADJUDICATED.

12 5-1052.

13 (A) AN INDIVIDUAL MAY NOT BE ADJUDICATED TO BE A PARENT UNLESS THE
14 COURT HAS PERSONAL JURISDICTION OVER THE INDIVIDUAL.

15 (B) A COURT OF THIS STATE HAVING JURISDICTION TO ADJUDICATE
16 PARENTAGE MAY EXERCISE PERSONAL JURISDICTION OVER A NONRESIDENT
17 INDIVIDUAL, OR THE GUARDIAN OR CONSERVATOR OF THE INDIVIDUAL, IF THE
18 CONDITIONS PRESCRIBED IN § 10-304 OF THIS ARTICLE ARE FULFILLED.

19 (C) LACK OF JURISDICTION OVER ONE INDIVIDUAL DOES NOT PRECLUDE THE
20 COURT FROM MAKING AN ADJUDICATION OF PARENTAGE BINDING ON ANOTHER
21 INDIVIDUAL OVER WHOM THE COURT HAS PERSONAL JURISDICTION.

22 5-1053.

23 VENUE FOR A PROCEEDING TO ADJUDICATE PARENTAGE IS IN THE COUNTY OF
24 THIS STATE IN WHICH:

25 (1) THE CHILD RESIDES OR IS FOUND;

26 (2) THE RESPONDENT RESIDES OR IS FOUND IF THE CHILD DOES NOT
27 RESIDE IN THIS STATE; OR

28 (3) A PROCEEDING FOR PROBATE OR ADMINISTRATION OF THE
29 PRESUMED OR ALLEGED FATHER'S ESTATE HAS BEEN COMMENCED.

30 5-1054.

31 A PROCEEDING TO ADJUDICATE THE PARENTAGE OF A CHILD HAVING NO
32 PRESUMED, ACKNOWLEDGED, OR ADJUDICATED FATHER MAY BE COMMENCED AT
33 ANY TIME, EVEN AFTER:

1 (1) THE CHILD BECOMES AN ADULT; OR

2 (2) AN EARLIER PROCEEDING TO ADJUDICATE PATERNITY HAS BEEN
3 DISMISSED BASED ON THE APPLICATION OF A STATUTE OF LIMITATION THEN IN
4 EFFECT.

5 5-1055.

6 (A) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (B) OF THIS SECTION, A
7 PROCEEDING BROUGHT BY A PRESUMED FATHER, THE MOTHER, OR ANOTHER
8 INDIVIDUAL TO ADJUDICATE THE PARENTAGE OF A CHILD HAVING A PRESUMED
9 FATHER SHALL BE COMMENCED NOT LATER THAN 2 YEARS AFTER THE BIRTH OF
10 THE CHILD.

11 (B) A PROCEEDING SEEKING TO DISPROVE THE FATHER-CHILD
12 RELATIONSHIP BETWEEN A CHILD AND THE CHILD'S PRESUMED FATHER MAY BE
13 MAINTAINED AT ANY TIME IF THE COURT DETERMINES THAT:

14 (1) THE PRESUMED FATHER AND THE MOTHER OF THE CHILD NEITHER
15 COHABITED NOR ENGAGED IN SEXUAL INTERCOURSE WITH EACH OTHER DURING
16 THE PROBABLE TIME OF CONCEPTION; AND

17 (2) THE PRESUMED FATHER NEVER OPENLY TREATED THE CHILD AS
18 HIS OWN.

19 5-1056.

20 (A) IN A PROCEEDING TO ADJUDICATE PARENTAGE UNDER CIRCUMSTANCES
21 DESCRIBED IN § 5-1055 OF THIS SUBTITLE, THE COURT MAY DENY A MOTION
22 SEEKING AN ORDER FOR GENETIC TESTING OF THE MOTHER, THE CHILD, AND THE
23 PRESUMED FATHER IF THE COURT DETERMINES THAT:

24 (1) THE CONDUCT OF THE MOTHER OR THE PRESUMED FATHER ESTOPS
25 THAT PARTY FROM DENYING PARENTAGE; AND

26 (2) IT WOULD BE INEQUITABLE TO DISPROVE THE FATHER-CHILD
27 RELATIONSHIP BETWEEN THE CHILD AND THE PRESUMED FATHER.

28 (B) IN DETERMINING WHETHER TO DENY A MOTION SEEKING AN ORDER FOR
29 GENETIC TESTING UNDER THIS SECTION, THE COURT SHALL CONSIDER THE BEST
30 INTEREST OF THE CHILD, INCLUDING THE FOLLOWING FACTORS:

31 (1) THE LENGTH OF TIME BETWEEN THE PROCEEDING TO ADJUDICATE
32 PARENTAGE AND THE TIME THAT THE PRESUMED FATHER WAS PLACED ON NOTICE
33 THAT HE MIGHT NOT BE THE GENETIC FATHER;

34 (2) THE LENGTH OF TIME DURING WHICH THE PRESUMED FATHER HAS
35 ASSUMED THE ROLE OF FATHER OF THE CHILD:

1 (3) THE FACTS SURROUNDING THE PRESUMED FATHER'S DISCOVERY OF
2 HIS POSSIBLE NONPATERNITY;

3 (4) THE NATURE OF THE RELATIONSHIP BETWEEN THE CHILD AND THE
4 PRESUMED FATHER;

5 (5) THE AGE OF THE CHILD;

6 (6) THE HARM THAT MAY RESULT TO THE CHILD IF PRESUMED
7 PATERNITY IS SUCCESSFULLY DISPROVED;

8 (7) THE NATURE OF THE RELATIONSHIP BETWEEN THE CHILD AND ANY
9 ALLEGED FATHER;

10 (8) THE EXTENT TO WHICH THE PASSAGE OF TIME REDUCES THE
11 CHANCES OF ESTABLISHING THE PATERNITY OF ANOTHER MAN AND A CHILD
12 SUPPORT OBLIGATION IN FAVOR OF THE CHILD; AND

13 (9) OTHER FACTORS THAT MAY AFFECT THE EQUITIES ARISING FROM
14 THE DISRUPTION OF THE FATHER-CHILD RELATIONSHIP BETWEEN THE CHILD AND
15 THE PRESUMED FATHER OR THE CHANCE OF OTHER HARM TO THE CHILD.

16 (C) IN A PROCEEDING INVOLVING THE APPLICATION OF THIS SECTION, A
17 MINOR OR INCAPACITATED CHILD SHALL BE REPRESENTED BY A GUARDIAN AD
18 LITEM.

19 (D) DENIAL OF A MOTION SEEKING AN ORDER FOR GENETIC TESTING MUST
20 BE BASED ON CLEAR AND CONVINCING EVIDENCE.

21 (E) IF THE COURT DENIES A MOTION SEEKING AN ORDER FOR GENETIC
22 TESTING, IT SHALL ISSUE AN ORDER ADJUDICATING THE PRESUMED FATHER TO BE
23 THE FATHER OF THE CHILD.

24 5-1057.

25 (A) IF A CHILD HAS AN ACKNOWLEDGED FATHER, A SIGNATORY TO THE
26 ACKNOWLEDGMENT OF PATERNITY OR DENIAL OF PATERNITY MAY COMMENCE A
27 PROCEEDING SEEKING TO RESCIND THE ACKNOWLEDGMENT OR DENIAL OR
28 CHALLENGE THE PATERNITY OF THE CHILD ONLY WITHIN THE TIME ALLOWED
29 UNDER §§ 5-1016 OR 5-1017 OF THIS SUBTITLE.

30 (B) IF A CHILD HAS AN ACKNOWLEDGED FATHER OR AN ADJUDICATED
31 FATHER, AN INDIVIDUAL, OTHER THAN THE CHILD, WHO IS NEITHER A SIGNATORY
32 TO THE ACKNOWLEDGMENT OF PATERNITY NOR A PARTY TO THE ADJUDICATION
33 AND WHO SEEKS AN ADJUDICATION OF PATERNITY OF THE CHILD MUST COMMENCE
34 A PROCEEDING NOT LATER THAN 2 YEARS AFTER THE EFFECTIVE DATE OF THE
35 ACKNOWLEDGMENT OR ADJUDICATION.

1 5-1058.

2 (A) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (B) OF THIS SECTION, A
3 PROCEEDING TO ADJUDICATE PARENTAGE MAY BE JOINED WITH A PROCEEDING
4 FOR ADOPTION, TERMINATION OF PARENTAL RIGHTS, CHILD CUSTODY OR
5 VISITATION, CHILD SUPPORT, DIVORCE, ANNULMENT, PROBATE OR
6 ADMINISTRATION OF AN ESTATE, OR OTHER APPROPRIATE PROCEEDING.

7 (B) A RESPONDENT MAY NOT JOIN A PROCEEDING DESCRIBED IN
8 SUBSECTION (A) OF THIS SECTION WITH A PROCEEDING TO ADJUDICATE PARENTAGE
9 BROUGHT UNDER THE UNIFORM INTERSTATE FAMILY SUPPORT ACT UNDER TITLE
10 10, SUBTITLE 3 OF THIS ARTICLE.

11 5-1059.

12 (A) A PROCEEDING TO DETERMINE PARENTAGE MAY BE COMMENCED
13 BEFORE THE BIRTH OF THE CHILD, BUT MAY NOT BE CONCLUDED UNTIL AFTER THE
14 BIRTH OF THE CHILD.

15 (B) THE FOLLOWING ACTIONS MAY BE TAKEN BEFORE THE BIRTH OF THE
16 CHILD:

17 (1) SERVICE OF PROCESS;

18 (2) DISCOVERY; AND

19 (3) EXCEPT AS PROHIBITED BY § 5-1039 OF THIS SUBTITLE, COLLECTION
20 OF SPECIMENS FOR GENETIC TESTING.

21 5-1060.

22 (A) A MINOR IS A PERMISSIBLE PARTY, BUT IS NOT A NECESSARY PARTY TO A
23 PROCEEDING UNDER THIS PART VI OF THIS SUBTITLE.

24 (B) THE COURT SHALL APPOINT A GUARDIAN AD LITEM TO REPRESENT A
25 MINOR OR INCAPACITATED CHILD IF THE CHILD IS A PARTY OR THE COURT FINDS
26 THAT THE INTERESTS OF THE CHILD ARE NOT ADEQUATELY REPRESENTED.

27 5-1061.

28 (A) (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (C) OF THIS
29 SECTION, A RECORD OF A GENETIC-TESTING EXPERT IS ADMISSIBLE AS EVIDENCE
30 OF THE TRUTH OF THE FACTS ASSERTED IN THE REPORT UNLESS A PARTY OBJECTS
31 TO ITS ADMISSION WITHIN 14 DAYS AFTER ITS RECEIPT BY THE OBJECTING PARTY
32 AND CITES SPECIFIC GROUNDS FOR EXCLUSION.

33 (2) THE ADMISSIBILITY OF THE REPORT IS NOT AFFECTED BY WHETHER
34 THE TESTING WAS PERFORMED:

35 (I) VOLUNTARILY OR PURSUANT TO AN ORDER OF THE COURT OR
36 A SUPPORT ENFORCEMENT AGENCY; OR

1 (II) BEFORE OR AFTER THE COMMENCEMENT OF THE
2 PROCEEDING.

3 (B) (1) A PARTY OBJECTING TO THE RESULTS OF GENETIC TESTING MAY
4 CALL ONE OR MORE GENETIC-TESTING EXPERTS TO TESTIFY IN PERSON OR BY
5 TELEPHONE, VIDEO CONFERENCE, DEPOSITION, OR ANOTHER METHOD APPROVED
6 BY THE COURT.

7 (2) UNLESS OTHERWISE ORDERED BY THE COURT, THE PARTY
8 OFFERING THE TESTIMONY BEARS THE EXPENSE FOR THE EXPERT TESTIFYING.

9 (C) IF A CHILD HAS A PRESUMED, ACKNOWLEDGED, OR ADJUDICATED
10 FATHER, THE RESULTS OF GENETIC TESTING ARE INADMISSIBLE TO ADJUDICATE
11 PARENTAGE UNLESS PERFORMED:

12 (1) WITH THE CONSENT OF BOTH THE MOTHER AND THE PRESUMED,
13 ACKNOWLEDGED, OR ADJUDICATED FATHER; OR

14 (2) IN ACCORDANCE WITH AN ORDER OF THE COURT UNDER § 5-1039 OF
15 THIS SUBTITLE.

16 (D) COPIES OF BILLS FOR GENETIC TESTING AND FOR PRENATAL AND
17 POSTNATAL HEALTH CARE FOR THE MOTHER AND CHILD WHICH ARE FURNISHED TO
18 THE ADVERSE PARTY NOT LESS THAN 10 DAYS BEFORE THE DATE OF A HEARING ARE
19 ADMISSIBLE TO ESTABLISH:

20 (1) THE AMOUNT OF THE CHARGES BILLED; AND

21 (2) THAT THE CHARGES WERE REASONABLE, NECESSARY, AND
22 CUSTOMARY.

23 5-1062.

24 (A) AN ORDER FOR GENETIC TESTING IS ENFORCEABLE BY CONTEMPT.

25 (B) IF AN INDIVIDUAL WHOSE PATERNITY IS BEING DETERMINED DECLINES
26 TO SUBMIT TO GENETIC TESTING ORDERED BY THE COURT, THE COURT FOR THAT
27 REASON MAY ADJUDICATE PARENTAGE CONTRARY TO THE POSITION OF THAT
28 INDIVIDUAL.

29 (C) (1) GENETIC TESTING OF THE MOTHER OF A CHILD IS NOT A CONDITION
30 PRECEDENT TO TESTING THE CHILD AND A MAN WHOSE PATERNITY IS BEING
31 DETERMINED.

32 (2) IF THE MOTHER IS UNAVAILABLE OR DECLINES TO SUBMIT TO
33 GENETIC TESTING, THE COURT MAY ORDER THE TESTING OF THE CHILD AND EVERY
34 MAN WHOSE PATERNITY IS BEING ADJUDICATED.

1 5-1063.

2 (A) A RESPONDENT IN A PROCEEDING TO ADJUDICATE PARENTAGE MAY
3 ADMIT TO THE PATERNITY OF A CHILD BY FILING A PLEADING TO THAT EFFECT OR
4 BY ADMITTING PATERNITY UNDER PENALTY OF PERJURY WHEN MAKING AN
5 APPEARANCE OR DURING A HEARING.

6 (B) IF THE COURT FINDS THAT THE ADMISSION OF PATERNITY SATISFIES THE
7 REQUIREMENTS OF THIS SECTION AND FINDS THAT THERE IS NO REASON TO
8 QUESTION THE ADMISSION, THE COURT SHALL ISSUE AN ORDER ADJUDICATING THE
9 CHILD TO BE THE CHILD OF THE MAN ADMITTING PATERNITY.

10 5-1064.

11 (A) IN A PROCEEDING UNDER THIS PART VI OF THIS SUBTITLE, THE COURT
12 SHALL ISSUE A TEMPORARY ORDER FOR SUPPORT OF A CHILD IF THE ORDER IS
13 APPROPRIATE AND THE INDIVIDUAL ORDERED TO PAY SUPPORT IS:

14 (1) A PRESUMED FATHER OF THE CHILD;

15 (2) PETITIONING TO HAVE HIS PATERNITY ADJUDICATED;

16 (3) IDENTIFIED AS THE FATHER THROUGH GENETIC TESTING UNDER §
17 5-1042 OF THIS SUBTITLE;

18 (4) AN ALLEGED FATHER WHO HAS DECLINED TO SUBMIT TO GENETIC
19 TESTING;

20 (5) SHOWN BY CLEAR AND CONVINCING EVIDENCE TO BE THE FATHER
21 OF THE CHILD; OR

22 (6) THE MOTHER OF THE CHILD.

23 (B) A TEMPORARY ORDER MAY INCLUDE PROVISIONS FOR CUSTODY AND
24 VISITATION AS PROVIDED BY OTHER LAW OF THIS STATE.

25 5-1065.

26 (A) THE COURT SHALL APPLY THE RULES SPECIFIED IN SUBSECTION (B) OF
27 THIS SECTION TO ADJUDICATE THE PATERNITY OF A CHILD.

28 (B) (1) THE PATERNITY OF A CHILD HAVING A PRESUMED,
29 ACKNOWLEDGED, OR ADJUDICATED FATHER MAY BE DISPROVED ONLY BY
30 ADMISSIBLE RESULTS OF GENETIC TESTING EXCLUDING THAT MAN AS THE FATHER
31 OF THE CHILD OR IDENTIFYING ANOTHER MAN AS THE FATHER OF THE CHILD.

32 (2) UNLESS THE RESULTS OF GENETIC TESTING ARE ADMITTED TO
33 REBUT OTHER RESULTS OF GENETIC TESTING, A MAN IDENTIFIED AS THE FATHER
34 OF A CHILD UNDER § 5-1042 OF THIS SUBTITLE SHALL BE ADJUDICATED THE FATHER
35 OF THE CHILD.

1 (3) (I) IF THE COURT FINDS THAT GENETIC TESTING UNDER § 5-1042
2 OF THIS SUBTITLE NEITHER IDENTIFIES NOR EXCLUDES A MAN AS THE FATHER OF A
3 CHILD, THE COURT MAY NOT DISMISS THE PROCEEDING.

4 (II) IN THAT EVENT, THE RESULTS OF GENETIC TESTING, AND
5 OTHER EVIDENCE, ARE ADMISSIBLE TO ADJUDICATE THE ISSUE OF PATERNITY.

6 (4) UNLESS THE RESULTS OF GENETIC TESTING ARE ADMITTED TO
7 REBUT OTHER RESULTS OF GENETIC TESTING, A MAN EXCLUDED AS THE FATHER OF
8 A CHILD BY GENETIC TESTING MUST BE ADJUDICATED NOT TO BE THE FATHER OF
9 THE CHILD.

10 5-1066.

11 THE COURT, WITHOUT A JURY, SHALL ADJUDICATE PATERNITY OF A CHILD.

12 5-1067.

13 (A) ON REQUEST OF A PARTY AND FOR GOOD CAUSE SHOWN, THE COURT MAY
14 CLOSE A PROCEEDING UNDER THIS PART VI OF THIS SUBTITLE.

15 (B) (1) A FINAL ORDER IN A PROCEEDING UNDER THIS PART VI OF THIS
16 SUBTITLE IS AVAILABLE FOR PUBLIC INSPECTION.

17 (2) OTHER PAPERS AND RECORDS ARE AVAILABLE ONLY WITH THE
18 CONSENT OF THE PARTIES OR ON ORDER OF THE COURT FOR GOOD CAUSE.

19 5-1068.

20 THE COURT SHALL ISSUE AN ORDER ADJUDICATING THE PATERNITY OF A MAN
21 WHO:

22 (1) AFTER SERVICE OF PROCESS, IS IN DEFAULT; AND

23 (2) IS FOUND BY THE COURT TO BE THE FATHER OF A CHILD.

24 5-1069.

25 (A) THE COURT MAY ISSUE AN ORDER DISMISSING A PROCEEDING
26 COMMENCED UNDER THIS SUBTITLE FOR WANT OF PROSECUTION ONLY WITHOUT
27 PREJUDICE.

28 (B) AN ORDER OF DISMISSAL FOR WANT OF PROSECUTION PURPORTEDLY
29 WITH PREJUDICE IS VOID AND HAS ONLY THE EFFECT OF A DISMISSAL WITHOUT
30 PREJUDICE.

31 5-1070.

32 (A) THE COURT SHALL ISSUE AN ORDER ADJUDICATING WHETHER A MAN
33 ALLEGED OR CLAIMING TO BE THE FATHER IS THE PARENT OF THE CHILD.

1 (B) AN ORDER ADJUDICATING PARENTAGE MUST IDENTIFY THE CHILD BY
2 NAME AND DATE OF BIRTH.

3 (C) (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (D) OF THIS
4 SECTION, THE COURT MAY ASSESS FILING FEES, REASONABLE ATTORNEY'S FEES,
5 FEES FOR GENETIC TESTING, OTHER COSTS, AND NECESSARY TRAVEL AND OTHER
6 REASONABLE EXPENSES INCURRED IN A PROCEEDING UNDER THIS PART VI OF THIS
7 SUBTITLE.

8 (2) THE COURT MAY AWARD ATTORNEY'S FEES, WHICH MAY BE PAID
9 DIRECTLY TO THE ATTORNEY, WHO MAY ENFORCE THE ORDER IN THE ATTORNEY'S
10 OWN NAME.

11 (D) THE COURT MAY NOT ASSESS FEES, COSTS, OR EXPENSES AGAINST THE
12 SUPPORT ENFORCEMENT AGENCY OF THIS STATE OR ANOTHER STATE, EXCEPT AS
13 PROVIDED BY OTHER LAW.

14 (E) ON REQUEST OF A PARTY AND FOR GOOD CAUSE SHOWN, THE COURT MAY
15 ORDER THAT THE NAME OF THE CHILD BE CHANGED.

16 (F) IF THE ORDER OF THE COURT IS AT VARIANCE WITH THE CHILD'S BIRTH
17 CERTIFICATE, THE COURT SHALL ORDER THE DEPARTMENT OF HEALTH AND
18 MENTAL HYGIENE TO ISSUE AN AMENDED BIRTH REGISTRATION.

19 5-1071.

20 (A) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (B) OF THIS SECTION, A
21 DETERMINATION OF PARENTAGE IS BINDING ON:

22 (1) ALL SIGNATORIES TO AN ACKNOWLEDGMENT OR DENIAL OF
23 PATERNITY AS PROVIDED IN PART III OF THIS SUBTITLE; AND

24 (2) ALL PARTIES TO AN ADJUDICATION BY A COURT ACTING UNDER
25 CIRCUMSTANCES THAT SATISFY THE JURISDICTIONAL REQUIREMENTS OF § 10-304
26 OF THIS ARTICLE.

27 (B) A CHILD IS NOT BOUND BY A DETERMINATION OF PARENTAGE UNDER
28 THIS SUBTITLE UNLESS:

29 (1) THE DETERMINATION AS BASED ON AN UNRESCINDED
30 ACKNOWLEDGMENT OF PATERNITY AND THE ACKNOWLEDGMENT IS CONSISTENT
31 WITH THE RESULTS OF GENETIC TESTING;

32 (2) THE ADJUDICATION OF PARENTAGE WAS BASED ON A FINDING
33 CONSISTENT WITH THE RESULTS OF GENETIC TESTING AND THE CONSISTENCY IS
34 DECLARED IN THE DETERMINATION OR IS OTHERWISE SHOWN; OR

35 (3) THE CHILD WAS A PARTY OR WAS REPRESENTED IN THE
36 PROCEEDING DETERMINING PARENTAGE BY A GUARDIAN AD LITEM.

1 (C) IN A PROCEEDING TO DISSOLVE A MARRIAGE, THE COURT IS DEEMED TO
2 HAVE MADE AN ADJUDICATION OF THE PARENTAGE OF A CHILD IF THE COURT ACTS
3 UNDER CIRCUMSTANCES THAT SATISFY THE JURISDICTIONAL REQUIREMENTS OF §
4 10-304 OF THIS SUBTITLE, AND THE FINAL ORDER:

5 (1) EXPRESSLY IDENTIFIES A CHILD AS A "CHILD OF THE MARRIAGE,"
6 "ISSUE OF THE MARRIAGE," OR SIMILAR WORDS INDICATING THAT THE HUSBAND IS
7 THE FATHER OF THE CHILD; OR

8 (2) PROVIDES FOR SUPPORT OF THE CHILD BY THE HUSBAND UNLESS
9 PATERNITY IS SPECIFICALLY DISCLAIMED IN THE ORDER.

10 (D) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (B) OF THIS SECTION, A
11 DETERMINATION OF PARENTAGE MAY BE A DEFENSE IN A SUBSEQUENT
12 PROCEEDING SEEKING TO ADJUDICATE PARENTAGE BY AN INDIVIDUAL WHO WAS
13 NOT A PARTY TO THE EARLIER PROCEEDING.

14 (E) A PARTY TO AN ADJUDICATION OF PATERNITY MAY CHALLENGE THE
15 ADJUDICATION ONLY UNDER LAW OF THIS STATE RELATING TO APPEAL, VACATION
16 OF JUDGMENTS, OR OTHER JUDICIAL REVIEW.

17 PART VII. CHILD OF ASSISTED REPRODUCTION.

18 5-1072.

19 THIS PART VII OF THIS SUBTITLE DOES NOT APPLY TO THE BIRTH OF A CHILD
20 CONCEIVED BY MEANS OF SEXUAL INTERCOURSE, OR AS THE RESULT OF A
21 GESTATIONAL AGREEMENT AS PROVIDED IN PART VIII OF THIS SUBTITLE.

22 5-1073.

23 A DONOR IS NOT A PARENT OF A CHILD CONCEIVED BY MEANS OF ASSISTED
24 REPRODUCTION.

25 5-1074.

26 IF A HUSBAND PROVIDES SPERM FOR, OR CONSENTS TO, ASSISTED
27 REPRODUCTION BY HIS WIFE AS PROVIDED IN § 5-1075 OF THIS SUBTITLE, HE IS THE
28 FATHER OF A RESULTING CHILD.

29 5-1075.

30 (A) (1) CONSENT BY A MARRIED WOMAN TO ASSISTED REPRODUCTION
31 MUST BE IN A RECORD SIGNED BY THE WOMAN AND HER HUSBAND.

32 (2) THIS REQUIREMENT DOES NOT APPLY TO THE DONATION OF EGGS
33 BY A MARRIED WOMAN FOR ASSISTED REPRODUCTION BY ANOTHER WOMAN.

34 (B) FAILURE OF THE HUSBAND TO SIGN A CONSENT REQUIRED BY
35 SUBSECTION (A) OF THIS SECTION, BEFORE OR AFTER BIRTH OF THE CHILD, DOES

1 NOT PRECLUDE A FINDING THAT THE HUSBAND IS THE FATHER OF A CHILD BORN TO
2 HIS WIFE IF THE WIFE AND HUSBAND OPENLY TREATED THE CHILD AS THEIR OWN.
3 5-1076.

4 (A) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (B) OF THIS SECTION,
5 THE HUSBAND OF A WIFE WHO GIVES BIRTH TO A CHILD BY MEANS OF ASSISTED
6 REPRODUCTION MAY NOT CHALLENGE HIS PATERNITY OF THE CHILD UNLESS:

7 (1) WITHIN 2 YEARS AFTER LEARNING OF THE BIRTH OF THE CHILD HE
8 COMMENCES A PROCEEDING TO ADJUDICATE HIS PATERNITY; AND

9 (2) THE COURT FINDS THAT HE DID NOT CONSENT TO THE ASSISTED
10 REPRODUCTION, BEFORE OR AFTER BIRTH OF THE CHILD.

11 (B) A PROCEEDING TO ADJUDICATE PATERNITY MAY BE MAINTAINED AT ANY
12 TIME IF THE COURT DETERMINES THAT:

13 (1) THE HUSBAND DID NOT PROVIDE SPERM FOR, OR BEFORE OR AFTER
14 THE BIRTH OF THE CHILD CONSENT TO, ASSISTED REPRODUCTION BY HIS WIFE;

15 (2) THE HUSBAND AND THE MOTHER OF THE CHILD HAVE NOT
16 COHABITED SINCE THE PROBABLE TIME OF ASSISTED REPRODUCTION; AND

17 (3) THE HUSBAND NEVER OPENLY TREATED THE CHILD AS HIS OWN.

18 (C) THE LIMITATION PROVIDED IN THIS SECTION APPLIES TO A MARRIAGE
19 DECLARED INVALID AFTER ASSISTED REPRODUCTION.

20 5-1077.

21 (A) IF A MARRIAGE IS DISSOLVED BEFORE PLACEMENT OF EGGS, SPERM, OR
22 EMBRYOS, THE FORMER SPOUSE IS NOT A PARENT OF THE RESULTING CHILD
23 UNLESS THE FORMER SPOUSE CONSENTED IN A RECORD THAT IF ASSISTED
24 REPRODUCTION WERE TO OCCUR AFTER A DIVORCE, THE FORMER SPOUSE WOULD
25 BE A PARENT OF THE CHILD.

26 (B) THE CONSENT OF A FORMER SPOUSE TO ASSISTED REPRODUCTION MAY
27 BE WITHDRAWN BY THAT INDIVIDUAL IN A RECORD AT ANY TIME BEFORE
28 PLACEMENT OF EGGS, SPERM, OR EMBRYOS.

29 5-1078.

30 IF A SPOUSE DIES BEFORE PLACEMENT OF EGGS, SPERM, OR EMBRYOS, THE
31 DECEASED SPOUSE IS NOT A PARENT OF THE RESULTING CHILD UNLESS THE
32 DECEASED SPOUSE CONSENTED IN A RECORD THAT IF ASSISTED REPRODUCTION
33 WERE TO OCCUR AFTER DEATH, THE DECEASED SPOUSE WOULD BE A PARENT OF
34 THE CHILD.

PART VIII. GESTATIONAL AGREEMENT.

1
2 5-1079.

3 (A) A PROSPECTIVE GESTATIONAL MOTHER, HER HUSBAND IF SHE IS
4 MARRIED, A DONOR OR THE DONORS, AND THE INTENDED PARENTS MAY ENTER
5 INTO A WRITTEN AGREEMENT PROVIDING THAT:

6 (1) THE PROSPECTIVE GESTATIONAL MOTHER AGREES TO PREGNANCY
7 BY MEANS OF ASSISTED REPRODUCTION;

8 (2) THE PROSPECTIVE GESTATIONAL MOTHER, HER HUSBAND IF SHE IS
9 MARRIED, AND THE DONORS RELINQUISH ALL RIGHTS AND DUTIES AS THE PARENTS
10 OF A CHILD CONCEIVED THROUGH ASSISTED REPRODUCTION; AND

11 (3) THE INTENDED PARENTS BECOME THE PARENTS OF THE CHILD.

12 (B) THE INTENDED PARENTS MUST BE MARRIED, AND BOTH SPOUSES MUST
13 BE PARTIES TO THE GESTATIONAL AGREEMENT.

14 (C) A GESTATIONAL AGREEMENT IS ENFORCEABLE ONLY IF VALIDATED AS
15 PROVIDED IN § 5-1081 OF THIS SUBTITLE.

16 (D) A GESTATIONAL AGREEMENT DOES NOT APPLY TO THE BIRTH OF A CHILD
17 CONCEIVED BY MEANS OF SEXUAL INTERCOURSE.

18 (E) A GESTATIONAL AGREEMENT MAY PROVIDE FOR PAYMENT OF
19 CONSIDERATION.

20 (F) A GESTATIONAL AGREEMENT MAY NOT LIMIT THE RIGHT OF THE
21 GESTATIONAL MOTHER TO MAKE DECISIONS TO SAFEGUARD HER HEALTH OR THAT
22 OF THE EMBRYOS OR FETUS.

23 5-1080.

24 (A) THE INTENDED PARENTS AND THE PROSPECTIVE GESTATIONAL MOTHER
25 MAY COMMENCE A PROCEEDING IN AN EQUITY COURT TO VALIDATE A GESTATIONAL
26 AGREEMENT.

27 (B) A PROCEEDING TO VALIDATE A GESTATIONAL AGREEMENT MAY NOT BE
28 MAINTAINED UNLESS:

29 (1) THE MOTHER OR THE INTENDED PARENTS HAVE BEEN RESIDENTS
30 OF THIS STATE FOR AT LEAST 90 DAYS;

31 (2) THE PROSPECTIVE GESTATIONAL MOTHER'S HUSBAND, IF SHE IS
32 MARRIED, IS JOINED IN THE PROCEEDING; AND

33 (3) A COPY OF THE GESTATIONAL AGREEMENT IS ATTACHED TO THE
34 PETITION.

1 5-1081.

2 (A) IF THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION ARE
3 SATISFIED, A COURT MAY ISSUE AN ORDER VALIDATING THE GESTATIONAL
4 AGREEMENT AND DECLARING THAT THE INTENDED PARENTS WILL BE THE PARENTS
5 OF A CHILD BORN DURING THE TERM OF THE AGREEMENT.

6 (B) THE COURT MAY ISSUE AN ORDER UNDER SUBSECTION (A) OF THIS
7 SECTION ONLY ON FINDING THAT:

8 (1) THE RESIDENCE REQUIREMENTS OF § 5-1080 OF THIS SUBTITLE
9 HAVE BEEN SATISFIED AND THE PARTIES HAVE SUBMITTED TO THE JURISDICTION
10 OF THE COURT UNDER THE JURISDICTIONAL STANDARDS OF THIS SUBTITLE;

11 (2) MEDICAL EVIDENCE SHOWS THAT THE INTENDED MOTHER IS
12 UNABLE TO BEAR A CHILD OR IS UNABLE TO DO SO WITHOUT UNREASONABLE RISK
13 TO HER PHYSICAL OR MENTAL HEALTH OR TO THE UNBORN CHILD;

14 (3) UNLESS WAIVED BY THE COURT, THE LOCAL DEPARTMENT OF
15 SOCIAL SERVICES HAS MADE A HOME STUDY OF THE INTENDED PARENTS AND THE
16 INTENDED PARENTS MEET THE STANDARDS OF FITNESS APPLICABLE TO ADOPTIVE
17 PARENTS;

18 (4) ALL PARTIES HAVE VOLUNTARILY ENTERED INTO THE AGREEMENT
19 AND UNDERSTAND ITS TERMS;

20 (5) THE PROSPECTIVE GESTATIONAL MOTHER HAS HAD AT LEAST ONE
21 PREGNANCY AND DELIVERY AND HER BEARING ANOTHER CHILD WILL NOT POSE AN
22 UNREASONABLE HEALTH RISK TO THE UNBORN CHILD OR TO THE PHYSICAL OR
23 MENTAL HEALTH OF THE PROSPECTIVE GESTATIONAL MOTHER;

24 (6) ADEQUATE PROVISION HAS BEEN MADE FOR ALL REASONABLE
25 HEALTH CARE EXPENSE ASSOCIATED WITH THE GESTATIONAL AGREEMENT UNTIL
26 THE BIRTH OF THE CHILD, INCLUDING RESPONSIBILITY FOR THOSE EXPENSES IF
27 THE AGREEMENT IS TERMINATED; AND

28 (7) THE CONSIDERATION, IF ANY, PAID TO THE PROSPECTIVE
29 GESTATIONAL MOTHER IS REASONABLE.

30 (C) WHETHER TO VALIDATE A GESTATIONAL AGREEMENT IS WITHIN THE
31 DISCRETION OF THE COURT, SUBJECT TO REVIEW ONLY FOR ABUSE OF DISCRETION.
32 5-1082.

33 THE PROCEEDINGS, RECORDS, AND IDENTITIES OF THE INDIVIDUAL PARTIES
34 TO A GESTATIONAL AGREEMENT UNDER THIS PART VIII OF THIS SUBTITLE ARE
35 SUBJECT TO INSPECTION UNDER THE STANDARDS OF CONFIDENTIALITY
36 APPLICABLE TO ADOPTIONS AS PROVIDED UNDER OTHER LAW OF THIS STATE.

1 5-1083.

2 SUBJECT TO THE JURISDICTIONAL STANDARDS OF § 10-304 OF THIS ARTICLE,
3 THE COURT CONDUCTING A PROCEEDING UNDER THIS PART VIII OF THIS SUBTITLE
4 HAS EXCLUSIVE, CONTINUING JURISDICTION OF ALL MATTERS ARISING OUT OF THE
5 GESTATIONAL AGREEMENT UNTIL A CHILD BORN TO THE GESTATIONAL MOTHER
6 DURING THE PERIOD GOVERNED BY THE AGREEMENT ATTAINS THE AGE OF 180
7 DAYS.

8 5-1084.

9 (A) AFTER ISSUANCE OF AN ORDER UNDER THIS PART VIII OF THIS SUBTITLE,
10 BUT BEFORE THE PROSPECTIVE GESTATIONAL MOTHER BECOMES PREGNANT BY
11 MEANS OF ASSISTED REPRODUCTION, THE PROSPECTIVE GESTATIONAL MOTHER,
12 HER HUSBAND, OR EITHER OF THE INTENDED PARENTS MAY TERMINATE THE
13 GESTATIONAL AGREEMENT BY GIVING WRITTEN NOTICE OF TERMINATION TO ALL
14 OTHER PARTIES.

15 (B) THE COURT FOR GOOD CAUSE SHOWN MAY TERMINATE THE
16 GESTATIONAL AGREEMENT.

17 (C) (1) AN INDIVIDUAL WHO TERMINATES A GESTATIONAL AGREEMENT
18 SHALL FILE NOTICE OF THE TERMINATION WITH THE COURT.

19 (2) ON RECEIPT OF THE NOTICE, THE COURT SHALL VACATE THE ORDER
20 ISSUED UNDER THIS PART VIII OF THIS SUBTITLE.

21 (3) AN INDIVIDUAL WHO DOES NOT NOTIFY THE COURT OF THE
22 TERMINATION OF THE AGREEMENT IS SUBJECT TO APPROPRIATE SANCTIONS.

23 (D) NEITHER A PROSPECTIVE GESTATIONAL MOTHER NOR HER HUSBAND, IF
24 ANY, IS LIABLE TO THE INTENDED PARENTS FOR TERMINATING A GESTATIONAL
25 AGREEMENT IN ACCORDANCE WITH THIS SECTION.

26 5-1085.

27 (A) (1) UPON BIRTH OF A CHILD TO A GESTATIONAL MOTHER, THE
28 INTENDED PARENTS SHALL FILE NOTICE WITH THE COURT THAT A CHILD HAS BEEN
29 BORN TO THE GESTATIONAL MOTHER WITHIN 300 DAYS AFTER ASSISTED
30 REPRODUCTION.

31 (2) THEREUPON, THE COURT SHALL ISSUE AN ORDER:

32 (I) CONFIRMING THAT THE INTENDED PARENTS ARE THE
33 PARENTS OF THE CHILD;

34 (II) IF NECESSARY, ORDERING THAT THE CHILD BE SURRENDERED
35 TO THE INTENDED PARENTS; AND

1 (III) DIRECTING THE DEPARTMENT OF HEALTH AND MENTAL
2 HYGIENE TO ISSUE A BIRTH CERTIFICATE NAMING THE INTENDED PARENTS AS
3 PARENTS OF THE CHILD.

4 (B) IF THE PARENTAGE OF A CHILD BORN TO A GESTATIONAL MOTHER IS
5 ALLEGED NOT TO BE THE RESULT OF ASSISTED REPRODUCTION, THE COURT SHALL
6 ORDER GENETIC TESTING TO DETERMINE THE PARENTAGE OF THE CHILD.

7 5-1086.

8 AFTER THE ISSUANCE OF AN ORDER UNDER THIS PART VIII OF THIS SUBTITLE,
9 SUBSEQUENT MARRIAGE OF THE GESTATIONAL MOTHER DOES NOT AFFECT THE
10 VALIDITY OF A GESTATIONAL AGREEMENT, HER HUSBAND'S CONSENT TO THE
11 AGREEMENT IS NOT REQUIRED, AND HER HUSBAND IS NOT A PRESUMED FATHER OF
12 THE RESULTING CHILD.

13 5-1087.

14 (A) A GESTATIONAL AGREEMENT, WHETHER IN A RECORD OR NOT, THAT IS
15 NOT JUDICIALLY VALIDATED IS NOT ENFORCEABLE.

16 (B) IF A BIRTH RESULTS UNDER A GESTATIONAL AGREEMENT THAT IS NOT
17 JUDICIALLY VALIDATED AS PROVIDED IN THIS PART VIII OF THIS SUBTITLE, THE
18 PARENT-CHILD RELATIONSHIP IS DETERMINED AS PROVIDED IN PART II OF THIS
19 SUBTITLE.

20 (C) (1) INDIVIDUALS WHO ARE PARTIES TO A NONVALIDATED GESTATIONAL
21 AGREEMENT AS INTENDED PARENTS MAY BE HELD LIABLE FOR SUPPORT OF THE
22 RESULTING CHILD, EVEN IF THE AGREEMENT IS OTHERWISE UNENFORCEABLE.

23 (2) THE LIABILITY UNDER THIS SUBSECTION INCLUDES ASSESSING ALL
24 EXPENSES AND FEES AS PROVIDED IN § 5-1070 OF THIS SUBTITLE.

25 5-1088.

26 THIS SUBTITLE MAY BE CITED AS THE MARYLAND UNIFORM PARENTAGE ACT.

27 **Health - General**

28 4-208.

29 (a) (1) Within 72 hours after a birth occurs in an institution, or en route to
30 the institution, the administrative head of the institution or a designee of the
31 administrative head shall:

32 (i) Prepare, on the form that the Secretary provides, a certificate of
33 birth;

34 (ii) Secure each signature that is required on the certificate; and

- 1 (iii) File the certificate.
- 2 (2) The attending physician shall provide the date of birth and medical
3 information that are required on the certificate within 72 hours after the birth.
- 4 (3) The results of the universal hearing screening of newborns shall be
5 incorporated into the supplemental information required by the Department to be
6 submitted as a part of the birth event.
- 7 (4) Upon the birth of a child to an unmarried woman in an institution,
8 the administrative head of the institution or the designee of the administrative head
9 shall:
- 10 (i) Provide an opportunity for the child's mother and the father to
11 complete a standardized [affidavit of parentage] ACKNOWLEDGMENT OF PATERNITY
12 recognizing parentage of the child on the standardized form provided by the
13 Department of Human Resources under [§ 5-1028] § 5-1021 of the Family Law
14 Article;
- 15 (ii) Furnish to the mother written information prepared by the
16 Child Support Enforcement Administration concerning the benefits of having the
17 paternity of her child established, including the availability of child support
18 enforcement services; and
- 19 (iii) Forward the completed affidavit to the Department of Health
20 and Mental Hygiene, Division of Vital Records. The Department of Health and
21 Mental Hygiene, Division of Vital Records shall make the affidavits available to the
22 parents, guardian of the child, A COURT, or a child support enforcement agency upon
23 request.
- 24 (5) An institution, the administrative head of the institution, the
25 designee of the administrative head of an institution, and an employee of an
26 institution may not be held liable in any cause of action arising out of the
27 establishment of paternity.
- 28 (6) If the child's mother was not married at the time of either conception
29 or birth or between conception and birth, the name of the father may not be entered
30 on the certificate without an [affidavit of paternity] ACKNOWLEDGMENT OF
31 PATERNITY as authorized by [§ 5-1028] § 5-1010 of the Family Law Article signed by
32 the mother and the person to be named on the certificate as the father.
- 33 (7) In any case in which paternity of a child is determined by a court of
34 competent jurisdiction, the name of the father and surname of the child shall be
35 entered on the certificate of birth in accordance with the finding and order of the
36 court.
- 37 (8) If the father is not named on the certificate of birth, no other
38 information about the father shall be entered on the certificate.

1 SECTION 3. AND BE IT FURTHER ENACTED, That in applying and
2 construing this Uniform Act, consideration shall be given to the need to promote
3 uniformity of the laws with respect to its subject matter among states that enact it.

4 SECTION 4. AND BE IT FURTHER ENACTED, That if any provision of this
5 Act or the application thereof to any person or circumstance is held invalid for any
6 reason in a court of competent jurisdiction, the invalidity does not affect other
7 provisions or any other application of this Act which can be given effect without the
8 invalid provision or application, and for this purpose the provisions of this Act are
9 declared severable.

10 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall apply only
11 to cases to adjudicate parentage filed on or after the effective date of this Act.

12 SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2001.